In the High Court of Judicature at Madras

Dated : 12.10.2018

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

and

The Honourable Mrs.Justice V.BHAVANI SUBBAROYAN

Tax Case Appeal Nos.351 & 352 of 2014 & MP.No.1 of 2014

The Commissioner of Income Tax,
Chennai ...Appellant/Respondent in both TC

Vs

M/s.Enterprising Enterprises,
Chennai-83 ...Respondent/Appellant in both TC

APPEALS under Section 260A of the Income Tax Act, 1961 against the common order dated 16.3.2012 in ITA Nos.1090 and 1106/Mds/2010 on the file of the Income Tax Appellate Tribunal Madras 'D' Bench for the assessment year 2007-08 against the order passed by the Commissioner of Income Tax (A)-VIII Chennai, dated 26/4/2010 made in No.111/09-10 against the Assessment Order passed by the Additional Commissioner of Income Tax, Business Range III, Chennai 34, date 28.12.2009 made in PAN AAA FE0195N.

For Appellant in both case : Mr.M.Swaminathan & Ms.S.Premalatha
For Respondent in both case : No appearance

COMMON JUDGMENT
(Judgment was delivered by T.S.SIVAGNANAM,J)

Heard the learned counsel for the appellant.

2. These appeals by the Revenue challenge the common order passed by the Income Tax Appellate Tribunal, which decided the issue in favour of the assessee.

3. The Revenue seeks to withdraw the appeals on account of low tax effect in terms of Circular No.3 of 2018 dated 11.7.2018 issued by the Central Board of Direct Taxes.

4. In the light of the above, the appeals are dismissed as withdrawn and the substantial questions of law framed are left open. In the event, in each of the cases, the tax effect is above the threshold limit fixed in the said circular, liberty is granted to the Revenue to make a mention to this Court to restore the appeals to be heard and decided on merits. Consequently, the connected MP is also dismissed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To
1.The Income Tax Appellate Tribunal, Madras 'D' Bench.
2.The Commissioner of Income Tax(A)-VII
Chennai
3.The Additional Commissioner of Income Tax,
Business Range III, Chennai 34.

+1cc to Mr.M.Swaminathan, Advocate SR.NO.70930
+1cc to Mrs.Pilip George, Advocate SR.NO.71021

Ev(Co)
sm:16.11.2018

TCA.Nos.351 & 352/2014
and MP.No.1 of 2014